

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 1197 OF 2016
IN
FIRST APPEAL NO. 1014 OF 2019

Office Notes, Office
Memoranda of
Coram,
appearances, Court's
orders or directions
and Registrar's
orders

Court's or Judge's orders.

Mr. Ganesh Amberkar I/b M/s. Thakore
Jariwala & Asso. for the Appellant.

CORAM: K.K.TATED, J.
DATED : 10/10/2019

P.C.

1 Heard learned Counsel for the
Applicant.

2 By this Civil Application, the Applicant
original Defendant No.1 is seeking stay of
the operation and implementation of the
Judgment and Decree dated 09.02.2015
passed by Bombay City Civil Court at
Mumbai in S.C. Suit No. 4043 of 2009
directing them to pay a sum of Rs.
12,67,533/- with interest @ 18 % p.a. to
the Respondent original Plaintiff.

3 This being a money decree, the
Applicant has to deposit the entire amount
in the Trial Court. Hence, the following
order is passed:

a) Civil Application is allowed in terms of prayer clause (a) on condition that Applicant to deposit the entire decretal amount with interest and costs in the Trial Court on or before 16.11.2019, failing which Civil Application shall stand dismissed without further reference to the Court. Prayer clause (a), reads thus:

“a) Pending the hearing and disposal of the Appeal this Hon'ble Court may be pleased to stay the implementation, operation and execution of the Impugned Order dated 9th February 2015 against the Applicant”

b) If amount is deposited within stipulated time, the Respondent No.1 original Plaintiff Board of Trustees of the Port of Bombay is permitted to withdraw the amount upon furnishing an undertaking of responsible officer that amount together with interest will be brought back to this court, in case, the appeal is allowed.

c) Civil Application stands disposed of accordingly.

d) No order as to costs.

(K.K.TATED, J.)